A

1	UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS	. P	age 1	1	It Filed 01/28/2008 Page 2 of Spril 2	Pag
2 3				2	Deposition Exhibit Number 12 for	
4	SHAWN DRUMGOLD, Plaintiff			3	identification)	
5				5	STIPULATIONS	
5	V. Case No. 04-11193NG			6	It is hereby stipulated and agreed by and between Counsel for the respective	
7 3	TIMOTHY CALLAHAN. FRANCIS		. 1	7	parties and the Deponent that the Deponent	
	TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL WURPHY, RICHARD WALSH, and THE CITY OF BOSTON, Defendants			8	shall read and sign the deposition transcript	
	Defendants			9	within 30 days of receipt under the pains and	
! !	DEPOSITION OF TRACTE DEAKS		- 1	10 11	penalties of perjury. It is further stipulated that all	
: :	DEPOSITION OF TRACIE PEAKS, a witness called to testify by and on behalf of			12	objections, except as to form, and motions to	
	the Defendants, pursuant to the applicable			13	strike are reserved to the time of trial.	
.	rules of the Federal Rules of Civil			14	PROCEEDINGS	
i '	Procedure, before M. ELAINE GANSKA, a Stenographic Reporter and Notary Public in		- 1	15 16	TRACIE PEAKS, a witness called for examination by Counsel for the Defendants,	
!	and for the Commonwealth of Massachusetts, at			17	having been satisfactorily identified and	
ı	the offices of Bonner Kiernan Trebach &		[:	18	duly sworn, was examined and testified as	
	Crociata, Attorneys at Law, One Liberty			19	follows:	
	Square, Boston, Massachusetts, on Friday, April 28, 2006, commencing at 10:17 a.m.			20 21	EXAMINATION BY MR. CURRAN	
				22	Q. Mrs. Peaks-Sandy, my name is Hugh Curran. I represent Detective Richard Walsh.	
	FEDERAL COURT REPORTERS 781-585-6741 978-535-8333			23	Before we begin today, I'm just	
			2	24	going to give you a few instructions, and	
-	ADDEADANCES	Pa	ige 2			Pag
	APPEARANCES ROSEMARY CURRAN SCAPICCHIO. Attorney at Law			1	that's for the benefit of everybody that's	1 ag
	ROSEMARY CURRAN SCAPICCHIO, Attorney at Law 4 Longfellow Place Boston, Massachusetts 02114 ON BEHALF OF: The Plaintiff			2	here today including yourself. If at any	
-				3	time you need to take a break for any reason,	
	BONNER KIERNAN TREBACH & CROCIATA BY: HUGH R. CURRAN, Attorney at Law			4 5	whether it's to speak to your attorney, to use the facilities, to get up and stretch,	
	BONNER KIERNAN TREBACH & CROCIATA BY: HUGH R. CURRAN, Attorney at Law One Liberty Square Boston, Massachusetts 02109 ON BEHALF OF: Defendant Walsh			6	just indicate to me that you'd like to take a	
				7	break, and we'll take a break at the	
	DAVIS, ROBINSON & WHITE BY: WILLIAM M. WHITE, JR., Attorney at Law One Faneuil Hall Marketblage Boston, Massachusetts 02103 ON BERMASSACHUSETTS Defendant Murphy			8	appropriate time. If at any time you do not	
	One ranguli mark marketplace Boston, Massachusetts 02109 ON BEHALF OF: Defendant Murphy			9.	understand a question that I ask you, just	
				0	indicate that you don't understand the question, and I'll try to rephrase it in a	*
	HOGAN, ROACHE & MALONE BY JOHN P. ROACHE, Attorney at Law 60 ong Wharf Bostone Massachusetts 02110 ON BEHALM ASSACHUSETTS 02110 Boston			2	manner to the best of my ability so you'll	
	Boston, Massachusetts 02110 ON BEHALF OF: Defendants Roache and City of		4	3	understand what we're looking for. It's	
				4	presumed that if you answer a question that	
	MORGAN, BROWN & JOY BY: MARY JO HARRIS, Attorney at Law 200 State Street Boston, Massachusetts 02109 ON BEHALF OF: Defendant Callahan		1		you understood the question and that you're	
	ZVV State Street Boston, Massachusetts 02109 ON BEHALF OF: Defendant Callaban			6 7	answering it truthfully and accurately to the best of your ability. Do you understand	
	•				that?	
	BRUCE W. CARROLL, Attorney at Law 61-63 Chatham Street Boston, Massachusetts 02109 ON BEHALF OF: The Deponent		1	9 ,	A. Mm-hmm.	
	ON BEHALF OF: The Deponent		2		Q. Okay. There's a few rules that we're going	
		,	2		to have this morning. It's very important	
			2		that you give a verbal response because if you nod your head or shrug your shoulders,	
				4	the court reporter can't take everything	• •
				•		ъ
	INDEX	Pag	ge 3	1	down, all right? It's also important that	Page
	Deposition of Page TRACIE PEAKS			2	you wait for me to finish asking my question,	
	Examination by Mr. Curran 4		;	3	and in return I'll wait for you to finish	
				4	giving your answer to the question. If we	
				5	speak both at the same time, the court	
		•		6 7	reporter is going to yell at us because she'll have problems keeping a transcript of	
	No. EXHIBITS Page		8		what is taking place this morning.	
	12 Subpoena and Summons 4		9		Do you have any questions before	
	Map of Homestead and Humboldt 98		10		we begin?	
	14 Diagram Drawn, Signed, and Dated by Deponent 142		11		A. No. 2. Okay. Would you please state your full name	
	15-16 Witness Certifications 165		13	3	for the record?	
	17 Affidavit 205		14		A. Tracie Peaks-Sandy.	
			15	5 C	2. Is that hyphenated?	
			16	5 A	A. Yes.	
•			17	, C	Okay. What is your date of birth?	
			18 19		a. 3/10/72. D. Okay. Now, Ms. Peaks, I'm going to show you	
			20)	what's been marked as Exhibit 12, and that's	
•						
			21	٠.	the original subpoena and summons that was	
* *		·	- 1	!	the original subpoena and summons that was sent to you in this matter, in this package (handing document). Take an opportunity to	

2.7	A. Wolf you take what o it carrow.	
		Page 33
1	arts your first year, or something like that.	_
2	Q. Okay.	
3	A. So I didn't finish Northeastern. I left. I	
4	had to leave the beginning of '91.	
	Q. Okay. So you finished your first year?	
6	A. No. I didn't even get through my first year.	
5 6 7 8	Q. Okay. All right. And when you went to	
	Northeastern, do you recall just taking	
9	were you there for one semester?	
10	A. Basically.	
11	Q. Or two semesters?	
12	A. One semester.	
13	Q. Okay. And when you went to Northeastern, do	
14	you recall any of the courses or teachers you	•
15	took?	
16	A. No.	
17	Q. Okay. Did you have any friends that you went	
18	to Northeastern with?	
19	A. No.	
20	Q. Okay. And why did you leave Northeastern?	
21	A. Finance.	
22	Q. Okay. Couldn't afford	
23	A. Right.	•
24.	Q Okay. Had you applied for any financial aid	

Okay. Why did he go to Trinidad? Why did he go to Trinidad? 12 A. Yes. 13 A. Because he was deported. Q. For what reasons? 15 A. In violation of the Immigration Act. 16 Okay. Could you tell me what the 17 circumstances were, how he got deported? 18 MR. CARROLL: No, don't answer 19 that question. It's not relevant. 20 21 MR. CURRAN: Are you instructing her not to answer? 22 MR. CARROLL: I'm instructing her 23

not to answer.

24

TR	A	CIE PEAKS	Conde	nse	eIt	APRIL 2	28, 2006
			Page 37				Page 40
1		MR. CURRAN: Okay.	-	1	Q.	Okay. And you're talking about the that	
2		BY MR. CURRAN:		2		originally he was down in Dudley?	-
3.	Q.	Was he arrested for any criminal violations?		3		Mm-hmm.	
4		MR. CARROLL: I'm instructing her		4	Q.	Okay. Whereabouts in relationship to the	
5		not to answer. It's not relevant to anything		5		Dudley Station?	
6		here I can think of.		6	A.	There's a church down there, and there's	
7	•	MR. CURRAN: We'll, we're going to		7		some you go up a hill, and that's where	
8		find out.		8		his apartment was, up there. I don't know	
9	Λ	BY MR. CURRAN:		9		the name of the street.	
10		How'd you meet Ramel? At a club.		10 11	Q.	Okay. Was it do you know what the name of the hill was?	
11		Okay. Where did he live at the time that you	*	12		(Shakes head) There's a senior citizens	
13	Ų.	met him?		13	A.	building on the corner, and then you go up	•
	Δ	Dorchester? I think Dorchester, Roxbury.		14		the hill, and his apartment was up in there.	
15		Okay. Do you know what address?		15	O	Okay. Was that over towards where you used	
		I don't know the name of the street.		16	٧.	to live on Homestead Street?	
17		Okay. Who did he hang around with?		17	Α.	No.	
		Everybody.		18		How far away?	
19	Q.	Okay. How long had he been in this country?		19	À.	Dudley is, what, 10 minutes, if 10 minutes,	
20	À.	I think he had got here in '89. I'm not	,	20		away.	
21		sure, though.		21	Q.	Ten minutes by car or by walking?	
22	Q.	How old is what's his date of birth?		22	A.	Car.	
23	A.	9/20/71.		23	. Q.	Okay. Did Ramel know the Drumgold family?	
24	Q.	Okay. But you're not sure exactly the year		24	A.	I doubt it.	
			Page 38			**************************************	Page 41
1		he arrived in this area?	~ ~ D ~ ~ 0	1	0	Okay. Do you know if he ever had contact	
2	Α.	No.		2	Æ.	with the Drumgold family?	
3		Okay. When you met him, what year did you		3	Α.	No.	
4	Ψ.	meet him?	•	4		No, he didn't, or, no, you don't know?	
5	A.	'91.		5		No, I don't know.	
6		Okay. Do you recall from '91 to when you		6		Okay. Do you know if he knew Terrance	
7	`	moved in with him in '95 where he lived?		7	`	Taylor?	
8	A.	He had his own apartment in Roxbury. I don't		8	A.	I don't know Terrance Taylor.	
9		know the name of the street.		9		Okay.	
10	Q.	Whereabouts in Roxbury?		10		I never heard I mean, you know, I don't	
11	A.	I say down Dudley. They call it some kind of		11		know who that is.	
12		square now. By Dudley Station, somewhere in		12	Q.	Okay, that's fair.	
13		that area.		13		Do you know Delrico Alexander?	
14		Then he moved in with his sister.		14		Who?	
15		She lived on Morton Street, Mattapan.		15	Q.	Delrico Alexander.	
16	Q.	Okay. And do you know who he was who he		16		Derico (phonetic), no.	
17		hung around with in that time frame?		17	Q.	Delrico.	
18	A.	Everybody. I mean I didn't I didn't want		18		No.	
19		to know his friends, so I just say everyone		19		Okay. Do you know Jamarr Alexander?	
20	_	because everyone just crowded around him.		20	Α.	Jamarr?	
21	Q.	Okay. Why did they crowd around him?		21	Q.	Yes.	
22	Α.	He was the life of the party.		22		No.	
23	Ų.	Okay. Was he involved in any drug activity in that area?		23 24	Ų.	Do you know Jamal (phonetic)? Jamal Alexander.	
24		in that area?		24	Α.	Janiai Alexander.	
			Page 39				Page 42
1		Well he was arrested for so-called selling	-	1		How do you know Jamal Alexander?	-
2		marijuana, so.		2		My mother's tenant's son.	
3		Okay. Did he affiliate himself or associate		3	Q.	Okay. And how old was he when you knew him	ι?
4		himself with any particular names of		4		He was a little boy. I don't know.	
5		individuals or groups?		5	Q.	Okay. All right. How long did you live at	
6	A.	I don't know. I wasn't a part of that life		6		Homestead Street?	
7		with him. If he you know, when he ran the		7.		I believe 10 years.	
8		streets, I was not a part of that.		-8	Q.	Okay. Do you recall what year you moved out	
1.9	Ų.	Okay. And when you say "he ran the streets,"	į	9		of Homestead Street?	
10		meaning what do you mean?		10		1990.	
11	A.	Being out all night and things like that.		11	Ų.	Okay. Do you know why you moved from Homestead Street?	
12 13		Okay. And you were aware that he was selling drugs at that point in time?		12 13	A	The house was foreclosed.	
14	٨	Well when I met him, he was painting		14		Okay. At that time who was living at 72	
15	71.	apartments and stuff like that, doing, you		15	V.	Homestead Street?	
16		know, apartments over and stuff like that, so		16	Α	Me, my mother, my sister, and I think Lola	
17		I mean I found out maybe like a year later	. [17	2 2.	and her kids were still there.	
18		that maybe he was involved in that stuff, but		18	O.	Okay. Do you know who the tenants were after	
19		he would always deny it to me, so (shrugs		19	∢.	the Alexanders?	
20		shoulders).		20	Α.	We didn't have tenants after the Alexanders.	
21	0	Okay. Did you hear any particular group that		21		Okay. And for how long were the Alexanders	
22		he was running with?		22		tenants at 72 Homestead Street?	
		No, I don't think Ramel associated with the	ı	23		At least a couple of years. I don't remember	
24		gangs.		24		exactly how long.	
1							

21 22 23

24

20	happened.	
21	MS. SCAPICCHIO: Can you clarify	
22	"that happened"?	
23	THE WITNESS: The murder of	
24	Tiffany Moore, the trial.	
		P
1	BY MR. CURRAN:	1 (
2	Q. Okay. So in any event, just to go back to	
3	clarify, after the murder of Tiffany Moore,	
4	you have a memory that you were you	
5	visited Rana at her house?	
6	A. Yeah,	
7	Q. Okay. And on occasion, being an experimental	
8	teenager, smoked marijuana with Rana in your	
9	backyard or somewhere else?	
10	A. Yes.	
11	Q. Okay. And that occurred after the murder of	
12	Tiffany Moore and before the trial of Shawn	
13	Drumgold?	
14	A It could have. You know, I can't remember	
15	exactly.	
16	Q. Okay.	
17	A. I can't.	
18	Q. All right. And did you ever have any did	
19	Rana ever talk to you about your involvement	
20	or participation? A. No.	
21		
22	Q. Okay. Did anyone from the Roiston family	1
23 24	ever speak to you? A. No.	
24	A. INU.	
FE	DERAL COURT REPORTERS	

1	A. No.
2	Q. Have you had any contact with Shawn since
2	then?
4 5	A. No.
5	Q. Have you ever had any contact with any of
6	Shawn's family members?
7	A. No.
8	Q. After
9	MR. CARROLL: Do you need a
10	break?
11	THE WITNESS: No, I'm fine, thank
12	you.
13	MR. CURRAN: If you want to take a
14	break, we can take a break for five minutes.
15	THE WITNESS: No, I'm fine.
16	(Discussion off the record)
17	(Brief recess)
18	BY MR. CURRAN:
19	Q. What did you do to prepare for your
20	deposition testimony today?
21	A. Nothing.
22	Q. Okay. Now I don't want to know obviously

you've met with your attorney and you've spoken to him about your testimony today, and

T	RA	CIE PERKS 14-CV-11193-NG Docum	Cond	ens	eI	timiled 01/28/2008 Page 6 of APRIL	28, 2006
		-	Page 91				Page 94
1 1	, A	. It was it was just heavy. I mean you		1		were in that neighborhood?	<u> </u>
2		couldn't even go outside really. I enjoyed always being on my front porch. You couldn't		3		A. No. Q. Before the Tiffany Moore murder?	
4		even do that. You know, it was just crazy.	•	4		A. No.	
5	ζ	. Okay. Was there a lot of gang activity back		5		Q. Okay. Is it fair to say it was a common	
6		in 1988?		6		occurrence to see a lot of police cars in	
8	A	You heard I heard about it, but I didn't know about it personally.		7		that neighborhood before and after?	•
9	C	Okay. All right. Didn't hang around with		8		A. I mean after, yes, but before I didn't pay attention.	
10	•	any individuals that were associated with the		10		Q. Okay. All right. Did you know any police	
11		Humboldt Raiders?		11		officers in the neighborhood where your	
12		. No.		12		boyfriend lived?	
13 14	A	And did you know about Intervale or You heard about them, but I didn't associate	•	13 14		A. No. Q. Okay. Or where Ms. Brantley lived?	
15	•	with any of those people.		15		A. No.	
16	Q	. Okay. When you were smoking marijuana with		16		Q. Okay. How often would you stay over the	
17		Rana back then in high school, where would		17		Brantleys' house?	
18 19	. Α	you get the marijuana from? Lloyd.		18	A	A. As much as I could.	
20		Okay. And that was your boyfriend?		19 20		Q. Okay. On average back in 1988, how many times a week would you stay at the Brantleys'	
21	Α	. (Nods head)		21		house?	
22	Q	All right. Would you get it from anyone		22	A	A. I mean, you know, I must have been over there	
23		else?	•	23	,	very often, because my mother said, "Well, I	
24	A	. No.		24		guess you don't live here anymore," you know,	
Ι.	^	Did Bono munchase it forms and a land	Page 92				Page 95
1 2		Did Rana purchase it from anyone else? I don't know.		1 2	_	so. 2. Did you feel safer over in that neighborhood?	
3		Okay. Were you aware back then that Shawn		3		A. I did.	
4		Drumgold was selling drugs?		4		2. Okay. And you had a good relationship with	
5		No.		5		both parents?	
6 7	Q	Okay. Did you know anyone that was selling		6		A. Yes.	
8	Α	drugs in the neighborhood back then? No.		8		One of the control o	
و		Okay. Did you ever purchase any drugs from		9		2. Where do they live?	
10		anybody in that neighborhood?		10	À	Mary's in Florida, and Stubby is in Boston.	
11		No.		11	Ţ,	2. Do you know whereabouts in Boston he lives?	
12	Q.	All right. Back then did you and your mother go to a particular church?		12		A. No.	
	A.	Not in '88. When I was a little girl.		13 14		2. Do you know if he's still working? A. He is.	
15	Q.	Okay. Where would you go?		15		2. For the T?	
	A.	I forgot the name of the church. I can see		16	A	. (Nods head)	
17 18	^	it, but I don't remember Okay.		17		Does he have the same last name?	
19		the name of it.		18 19		. Yes. Okay. And but he goes by Stubby?	
20	Q.	Do you recall when you and your mother		20	A	. Well, yeah, to the family, you know	
21	-	stopped going to that particular church		21	Q	Well, yeah, to the family, you know. Okay. You don't know what his first name is?	
22		together?		22	Α	. No, I'll have to ask Mona.	
23		No. Okay. At any time did you continue your		23	Q	Okay. All right. How many times a week	
127	Q.	Okay. He any time did you continue your		24		would you be over there on average sleeping	
١,		faith in any manner after '88?	Page 93			0	Page 96
1 2		Do you go to church now and take		1 2	Δ	over? Definitely like Friday. I wouldn't come home	
3		your kids to church?		3		till like Sunday, so and then sometimes I	
4		Off and on.		4		didn't have to do that either because we rode	
5	Q.	Okay. Did you do when did you start going back to church?		5		the same bus to Bedford, so I was over there	
7	A	Probably when my son was like two.	,	.6 7	0	a lot. Okay. Would you tell your mother you were	
8	Q.	Okay.		8	V	going?	
9	A.	My oldest.		9		Yes.	
10	Q.	So that would have been in '96? No, like '98. He was born in '96.		10	Q.	When you were coming back?	
11 12	0.	All right. And what church would you go to?		11 12	Α.	I didn't say when I was coming back, but I told her I was going.	
13	Ä.	I don't know the name of it. It's one of my		13	0.	Okay. What was your relationship with your	
14		sister-in-law's church in Cambridge.	t t	14		sister like back then?	
	Q.	Okay. All right. Were you growing up as		15	A.	Tara's four and a half years younger than me,	
16 17		a child back in high school and after high school, would you go to the Boys and Girls		16 17		so, you know, that's just my little sister.	
18		Clubs or any other	- 1	18	0.	We didn't hang out or anything. Okay. Why don't you tell me what you	
		No.	Ī	19	ζ.	remember happening the night Tiffany Moore	
		agencies, John T. Shelbourne Center?		20		was murdered.	1
		No. Okay. Did you know any police officers?		21 22	Α.	I was in my sister's room. Do you recall whether or not you had school	
23	A.	No.		23	Ų.	that day?	
	Q.	Okay. Did you know any police officers that			Α.	No.	
	_						